

IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE
SR/Corner York & Gifford Roads
(17013 York Road) * DEPUTY ZONING COMMISSIONER
7th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
George R. Chilcoat, Jr., et ux * Case No. 91-45-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback from the centerline of any street of 30 feet in lieu of the required 75 feet and a side yard setback of 29.67 feet in lieu of the required 50 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and signed letter of support dated May 19, 1990 provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of

both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of September, 1990 that the Petition for Residential Variance to permit a front yard setback from the centerline of any street of 30 feet in lieu of the required 75 feet and a side yard setback of 29.67 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The relief granted herein is limited to the proposed addition as set forth in Petitioner's Exhibit 1. The proposed addition shall be constructed in accordance with the architectural rendering prepared by Petitioner identified as Petitioner's Exhibit A.

3) Petitioner shall submit a landscaping plan for approval by the Deputy Director of Planning. A copy of the approved plan shall be submitted for inclusion in the case file prior to the issuance of any permits.

4) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.

5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 387-3353

J. Robert Haines
Zoning Commissioner

September 14, 1990



Dennis F. Rasmussen
County Executive

Jeffrey H. Gray, Esquire
P.O. Box 51
17000 York Road
Monkton, Maryland 21111-0051

RE: PETITION FOR RESIDENTIAL VARIANCE
SE/Corner York and Gifford Roads
(17013 York Road)
7th Election District - 3rd Councilmanic District
George R. Chilcoat, Jr., et ux - Petitioners
Case No. 91-45-A

Dear Mr. Gray:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. & Mrs. George R. Chilcoat, Jr.
17013 York Road, Monkton, Md. 21111

People's Counsel

File

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-45-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 17015 York Rd.
Parkton, Md. 21120 17013 York Rd., Monkton, Md. 21111
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

We are not able to comply with the side setback of 50' that is required. After construction of proposed addition, setback will

be approximately 29'8"

Addition is required to provide adequate sleeping quarters for family of applicant. For further explanation see Petition for Variance on the reverse side of this affidavit.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

George R. Chilcoat, Jr.
AFFIANT (Printed Name)

Patricia J. Chilcoat
AFFIANT (Handwritten Signature)

Patricia J. Chilcoat
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

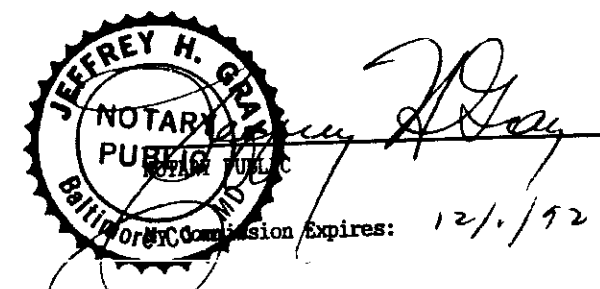
I HEREBY CERTIFY, this 12th day of July, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

George R. Chilcoat, Jr. and Patricia J. Chilcoat

* The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/12/90



PROPERTY DESCRIPTION-ZONING VARIANCE

Beginning at a point in the centerline of York Road at the intersection of York Road and Gifford Lane then running the following courses and distances:

1. South 5 degrees 40 minutes West 138.5 feet;
2. South 83 degrees 15 minutes East 230.8 feet;
3. South 83 degrees 15 minutes East 16.2 feet;
4. North 3 degrees 45 minutes East 134 feet;
5. North 77 degrees 45 minutes West 177.6 feet;
6. North 85 degrees 45 minutes West 66.5 feet;

To the place of beginning.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Date 7-25-90

Jeffrey H. Gray, ESQ.

Administrative Zoning Variance (Residential)

Chilcoat Property
17015 York Rd. (21120)

Petition fee \$35.00
Sign 25.00
Total \$60.00

04A0480096MCHRC
BA C010:57AM07-25-90

\$60.00

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

District: 7th Date of Posting: 7/14/90
Posted for: Variance
Petitioner: George R. Chilcoat, Jr., et ux
Location of property: SE/Corner York & Gifford Rd.
17013 York Rd.
Location of Sign: Front York Rd., across W. Fr. roadway
On property of Petitioner
Remarks: None
Posted by: Jeffrey H. Gray Date of return: 7/17/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Date 7/25/90

Account: R-001-6150
Number

PUBLIC HEARINGS FEES	QTY	PRICE
010 ZONING VARIANCE (IFL)	1 X	\$35.00
030 -POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$60.00

LAST NAME OF OWNER: CHILCOAT

PAID PER HAND-WRITTEN
RECEIPT DATED 7/25/90

Cashier Validation:

Please make checks payable to: Baltimore County

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1704.3(3) of the Baltimore County Code to permit a front yard setback from any street centerline of 29.67 feet in lieu of the 50 feet required set back.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
The purpose of the variance requested is to build an addition to the existing house to provide sleeping quarters for family members residing there. Strict compliance with present set back requirements for front and side yards would Grant of the variances requested would not result in any injustice to other property owners, would not effect public safety and welfare, and no lesser relaxation of the Baltimore County Code would give substantial relief.
I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

George R. Chilcoat, Jr.

Name

Address

City/State/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of July, 1990, that the subject matter of this petition be posted on the property on or before the 15th day of Aug., 1990.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Townson, Baltimore County, on the ____ day of _____, 19____, at ____ o'clock, ____.

ZONING COMMISSIONER OF BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date 7/14/90

By RG

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

August 1, 1990

Mr. & Mrs. George R. Chilcoat, Jr.
17013 York Road
Monkton, Maryland 21111

Re: CASE NUMBER: 91-45-A
ITEM NUMBER: 36
LOCATION: SEC York and Gifford Roads
17013 York Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before August 15, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is August 30, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

D. H. Stephens
(301) 887-3391

cc: Jeffrey H. Gray, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 27, 1990

Jeffrey H. Gray, Esquire
P.O. Box 51
1700 York Road
Monkton, MD 21111-0051



Dennis F. Rasmussen
County Executive

RE: Item No. 36, Case No. 91-45-A
Petitioner: George R. Chilcoat, et ux
Petition for Residential Variance

Dear Mr. Gray:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

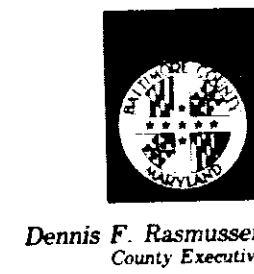
JED:jw

Enclosures

cc: Mr. & Mrs. George Chilcoat, Jr.
17013 York Road
Monkton, MD 21111

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
27th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: George R. Chilcoat, Jr., et ux

Petitioner's Attorney: Jeffrey H. Gray

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

August 10, 1990



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

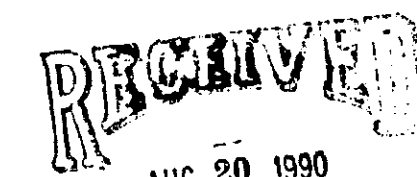
Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 30, 31, 33, 34, 35, 36, 37, and 38.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lwv



ZONING OFFICE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

AUGUST 13, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 36
PROPERTY OWNER: George R. Chilcoat, Jr., et ux
LOCATION: SEC York & Gifford Roads (#17013 York Road)
ELECTION DISTRICT: 7th
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMP (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

X A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - NO OTHER COMMENT AT THIS TIME.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

AUGUST 9, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GEORGE R. CHILCOAT, JR.

Location: #17015 YORK ROAD

Item No.: *36 Zoning Agenda: AUGUST 14, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *CH [Signature]* 8-9-90 Noted and Approved
Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for August 14, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 30, 31, 33, 34, 35, 37, 38.

Robert W. Bowling
ROBERT W. BOWLING, P.E., CHES
Developers Engineering Division

RWB:s

May 11, 1990

To Whom It May Concern:

I George R. Chilcoat Jr., who resides at 17015 York Road, Parkton, MD. 21120, wish to add a two bedroom and half bath addition to my house.

Under County zoning laws it is required that a new addition be 50 feet from the property line. However, after completion the addition I wish to build will only be 30 feet from the line. When this happens a variance is required by the County in order for the addition to be built.

I am asking my immediate neighbors if they would have any objections to this addition being built. If not, I am asking that they sign their names and addresses below.

Thank you for your support and cooperation in this matter.

Sincerely,

George R. Chilcoat Jr.

Adam C. Hain 17010 York Rd Parkton Md.
Edward [Signature] 17018 York Rd Parkton Md. 21120
Robert J. [Signature] 17009 York Rd. Monkton Md. 21111
Greg R. [Signature] 17025 York Rd Parkton Md. 21120
Stan Colu 17004-17006 York Rd. Parkton Md. 21120

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: September 5, 1990
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: George R. Chilcoat, Jr. 36 Item

The Petitioner requests a Variance to permit a 30 ft. front yard setback in lieu of the required 75 ft. front yard setback from any street centerline and 29.67 ft. in lieu of the required 50 ft.

Staff supports the requested variances subject to the following conditions:

- The attached architectural plan will be submitted by the Petitioner. This plan conforms with Section 22-104 of the Baltimore County Development Regulations.

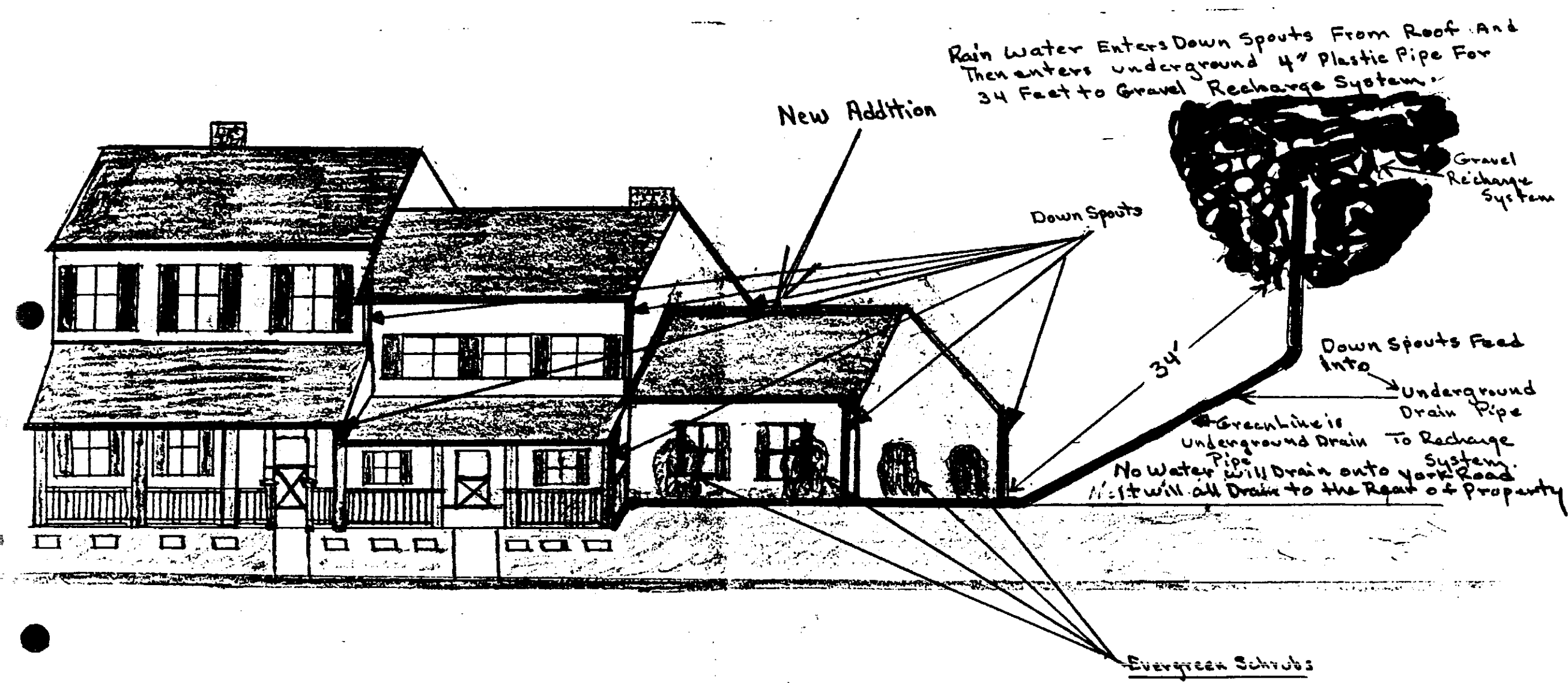
- The Petitioner shall submit a landscape plan to the Baltimore County landscape planner for approval prior to the issuance of any building permits.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM36/ZAC1

RECEIVED
SEP 6 1990
ZONING OFFICE



George R. Chilcoat Jr. Property
17015 York Road.
Case # 91-45-A

PETITIONER'S EXHIBIT A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 17015 York Road
Subdivision name: Parkton Maryland 21120
plat book # _____ lot # _____ section # _____

OWNER: George R. Chilcoat Jr. and Patricia J. Chilcoat
Garry Webster Property
COMMERCIAL

91-45-A

Scale of Drawing: 1" = 50'

North arrow pointing up.

Scale: 1" = 1000'

LOCATION INFORMATION

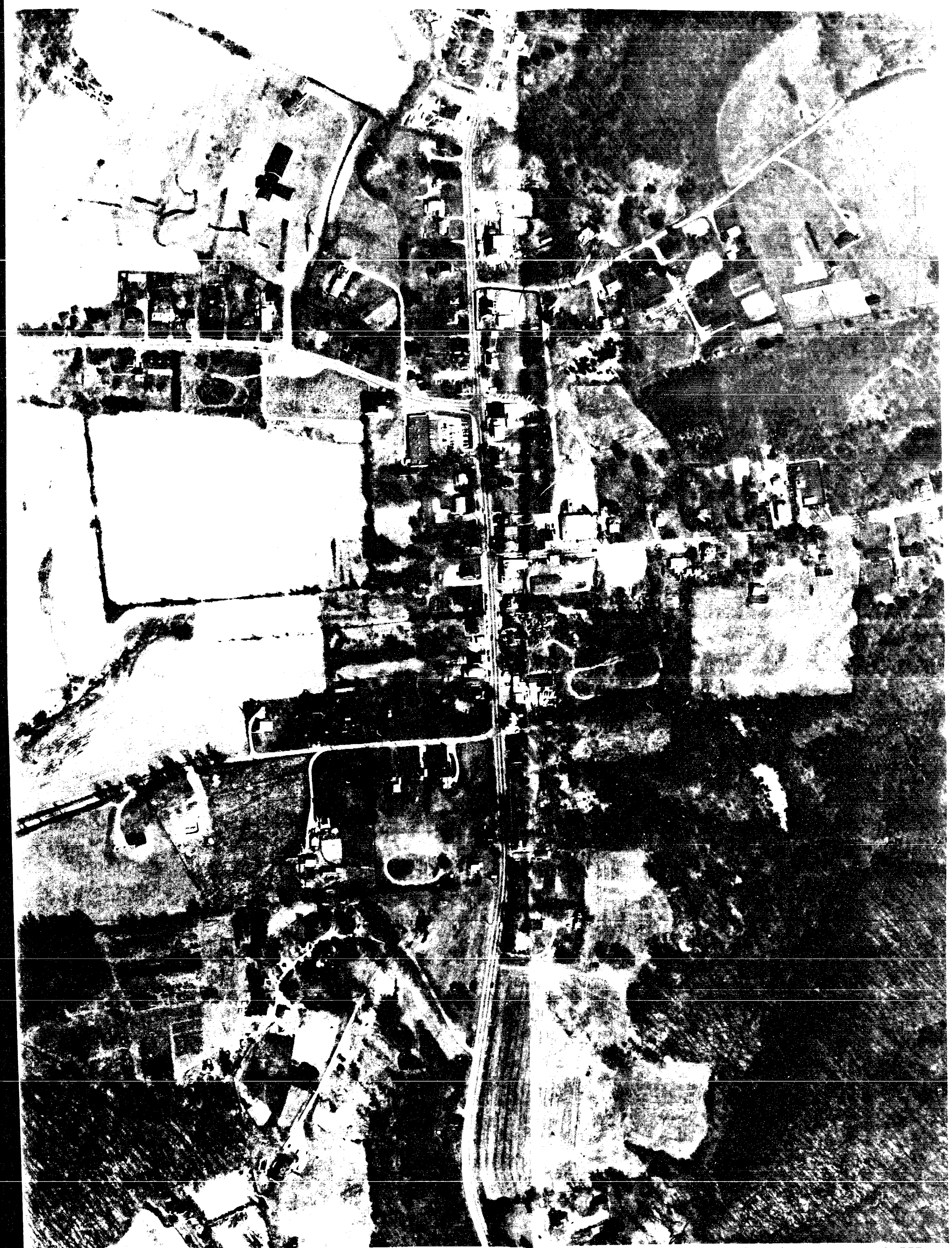
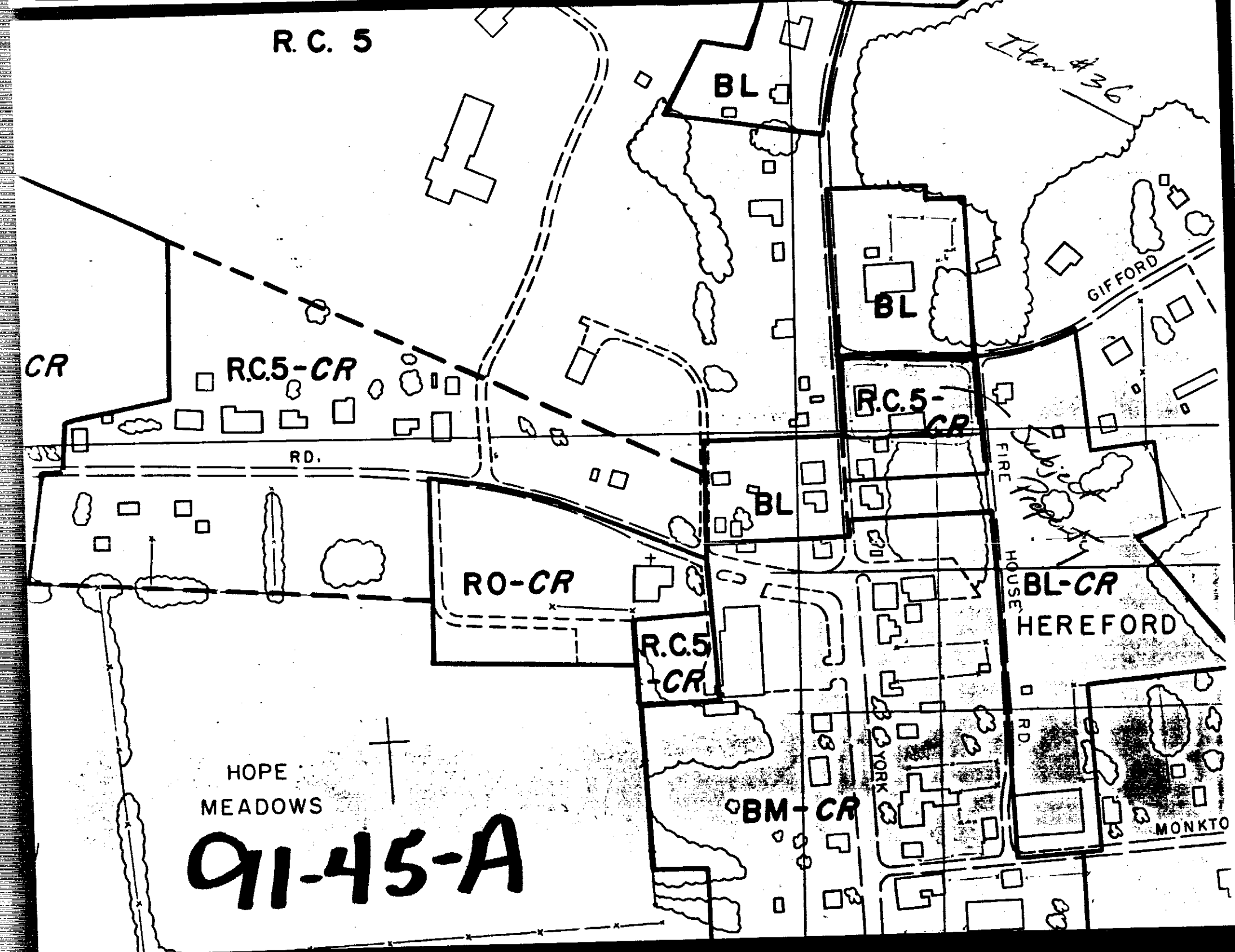
Councilmanic District: 3
Election District: 7
1" = 200' scale map: N. 37-2
Zoning: RC-5
Lot size: 77.5 acreage
33.759 square feet

SEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: None

Zoning Office USE ONLY!
reviewed by: _____ ITEM #: _____ CASE#: _____

date: 5/22/90
prepared by: Q. W. W.

PETITIONER'S EXHIBIT # _____ CASE NUMBER: 91-45 A



RE COUNTY
ANNING AND ZONING
APHIC MAP

91-45-A

SCALE 1" = 200' ±
DATE OF PHOTOGRAPHY JANUARY 1986
LOCATION HEREFORD
SHEET NW 27-C

MICROFILM